

Notice of Allowability

Application No.

10/714,316

Examiner

Eric A. Gates

Applicant(s)

ELKIS ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed 31 July 2006.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MONICA CARTER
SUPERVISORY PATENT EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joseph Jochman on 5 October 2006.

The application has been amended as follows:

Claim 1. (Currently Amended) A vertical support and rectilinear translation arrangement for selectively repositioning one of a pair of die cylinders between an operative position and a stand-by position in a rotary die cutter having a rotary anvil cylinder and a pair of rotary die cylinders alternately operable with said anvil cylinder to define an operating nip for sheet materials being fed in a machine direction perpendicular to the rotational axes of the cylinders and along a board line within the nip, said arrangement comprising: a supporting base maintained within the lateral extent of the nip; said anvil cylinder or one of said pair of die cylinders supported at axial opposite cylinder ends for horizontal linear movement in the machine direction on said supporting base relative respectively to said pair of die cylinders or said anvil cylinder and the other of said die cylinders to achieve said selective repositioning; and, said respective pair of die cylinders or said anvil cylinder and the other of said die cylinders supported at axial

Art Unit: 3722

opposite cylinder ends for vertical movement between an operative position and a stand-by position, wherein, in said operative position, said anvil cylinder and at least one die cylinder are vertically aligned and supported on said supporting base and wherein all movement of said die cylinders for said selective repositioning is confined to said lateral extent of the nip.

2. Claims 1-16 are allowed. Claim 1 is the independent claim.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent 6,408,667 to de Jesus, Jr., which was applied to the claims in the office action mailed 27 January 2006. Suffice it to say, De Jesus, Jr. does not disclose "said anvil cylinder or one of said pair of die cylinders supported at axial opposite cylinder ends for horizontal linear movement in the machine direction on said supporting base relative respectively to said pair of die cylinders or said anvil cylinder and the other of said die cylinders to achieve said selective repositioning" or "wherein all movement of said die cylinders for said selective repositioning is confined to said lateral extent of the nip", and as such does not anticipate the instant invention as disclosed in independent claim 1.

Art Unit: 3722

Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of de Jesus, Jr., and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is 571-272-5498. The examiner can normally be reached on Monday-Thursday 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG
5 October 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER